

UNITED STATES OF AMERICA
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - - - -

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No.
)	
vs.)	1:18CR513
)	
TREVOR C. MARLYNE,)	
)	
Defendant.)	

- - - - -

TRANSCRIPT OF PROCEEDINGS HAD BEFORE MAGISTRATE
JUDGE JONATHAN D. GREENBERG, MAGISTRATE JUDGE OF
SAID COURT, ON FRIDAY, APRIL 26TH, 2019,
COMMENCING AT 10:05 O'CLOCK A.M.

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Court Reporter:	GEORGE J. STAUDUHAR
	801 W. SUPERIOR AVE.,
	SUITE 7-184
	CLEVELAND, OHIO 44113
	(216) 357-7128

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1 **APPEARANCES:**

2 On behalf of the Government:

3 OFFICE OF THE U.S. ATTORNEY
4 BY: AARON P. HOWELL, AUSA
5 208 Federal Bldg.
6 2 South Main Street
7 Akron, OH 44308

8 On behalf of the Defendant:

9 FRIEDMAN & NEMECEK
10 BY: ERIC F. LONG, ESQ.
11 Ste. 650
12 1360 East Ninth Street
13 Cleveland, OH 44114

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P R O C E E D I N G S

THE COURT: Thank you. Please be seated.

(Case called.)

THE COURT: Good morning. On behalf of the
United States?

MR. HOWELL: Good morning, your Honor.

Aaron Howell on behalf of the United
States.

THE COURT: On behalf of the Defendant?

MR. LONG: Good morning, your Honor. Nice
to see you.

Eric Long on behalf of Mr. Marlyne.

THE COURT: Good morning.

Mr. Howell, is this a matter that the Crime
Victims' Rights Act applies here?

MR. HOWELL: No, your Honor.

THE COURT: Very well.

Sir, you are Trevor C. Marlyne?

THE DEFENDANT: Yes, sir.

THE COURT: Did I pronounce that correctly?

THE DEFENDANT: Marlyne, sir.

THE COURT: Marlyne. Okay.

THE DEFENDANT: Yes, sir.

THE COURT: Okay. Mr. Marlyne, I have been
informed you wish to plead guilty today. Is my

1 understanding correct?

2 THE DEFENDANT: Yes.

3 THE COURT: Now, also, I further understand
4 you have consented to having this Court receiving your
5 plea.

6 Is that likewise correct?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: I have an original consent form
9 on the bench here with me, and I would like you to take a
10 look at it, please.

11 (Pause.)

12 THE COURT: Mr. Marlyne, is that your
13 signature on the consent?

14 THE DEFENDANT: Yes, sir, it is.

15 THE COURT: And have you discussed this
16 consent with your attorney?

17 THE DEFENDANT: Yes, I have.

18 THE COURT: And do you understand you have a
19 right to offer your guilty plea to Judge Boyko, the trial
20 judge in this case, correct?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you understand that by
23 giving this consent to my jurisdiction, you are giving
24 up your right to offer your guilty plea directly to
25 Judge Boyko?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Sir, do you still wish to
3 proceed with your plea here today?

4 THE DEFENDANT: Yes, sir, I do.

5 THE COURT: Very well. The purposes of this
6 proceeding are to establish that you are competent to
7 make a plea, to make sure your plea is free and
8 voluntary, to be certain that you understand the charges
9 asserted against you and actual penalties for those
10 charges and the constitutional rights you will be giving
11 up by pleading guilty, to determine that there is a
12 factual basis for the plea, and to receive your plea.

13 Before receiving your plea, I will be asking
14 you a series of questions. The court reporter will
15 record my questions and your answers. Only spoken or
16 oral answers can be recorded as opposed to a nod of the
17 head or a gesture.

18 So simply, clearly, state your answers. If
19 you don't understand my questions or at any time you wish
20 to consult with your attorney, please say so because it
21 is essential to a valid plea that you understand each
22 question before you answer it.

23 Do you understand these instructions?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Sir, you have a right to remain

1 silent. You are not required to make a statement, and
2 anything you say may be used against you. Before
3 receiving your guilty plea, there are a number of
4 questions I will ask to assure that your plea is valid.

5 By answering these questions, you will be
6 making statements against your interests, and you will
7 incriminate yourself.

8 Do you understand that by proceeding here
9 today with a guilty plea you will necessarily be giving
10 up your right to remain silent?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Now, if the clerk can please
13 swear in the Defendant?

14 TREVOR C. MARLYNE

15 the Defendant herein, called as a witness, and
16 being first duly sworn, was examined and testified
17 as follows:

18 THE DEFENDANT: I do.

19 THE COURT: Very well. Have a seat, sir.

20 Now, you have now been sworn and are under
21 oath to tell the truth. Your answers to my questions may
22 subject you to prosecution for perjury for making a false
23 statement if you do not tell the truth.

24 Do you understand the consequences if you
25 fail to tell the truth?

1 THE DEFENDANT: Yes, I do.

2 THE COURT: Very well. As part of this
3 proceeding, I must now determine that you are competent,
4 that is, that you understand the proceedings for your
5 entry of a knowing plea.

6 So what is your full name?

7 THE DEFENDANT: Trevor Charles Marlyne.

8 THE COURT: And how old are you?

9 THE DEFENDANT: I am 33 years old.

10 THE COURT: Are you a citizen of the
11 United States?

12 THE DEFENDANT: Yes, sir, I am.

13 THE COURT: Sir, how far did you go in
14 school?

15 THE DEFENDANT: Some college.

16 THE COURT: So I am correct that you can
17 both speak, understand, read, and write the English
18 language?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Now, are you currently on
21 probation, parole, or supervised release for any state or
22 federal conviction?

23 THE DEFENDANT: Pretrial probation for
24 this —

25 THE COURT: Other than this case.

1 THE DEFENDANT: — no, sir.

2 THE COURT: In the last 12 months, have you
3 been treated for any mental illness, alcohol addiction,
4 or addiction to narcotic drugs?

5 THE DEFENDANT: No, sir.

6 THE COURT: In the last 24 hours, have
7 you taken any medication, any drugs, or consumed any
8 alcohol?

9 THE DEFENDANT: No, sir.

10 THE COURT: Mr. Howell, is there any
11 doubt as to this Defendant's competence to plead at this
12 time?

13 MR. HOWELL: There is none, your Honor.

14 THE COURT: Mr. Long, is there any doubt as
15 to your client's competence to plead at this time?

16 MR. LONG: No, your Honor.

17 THE COURT: Now, Mr. Marlyne, you have a
18 right to be represented by an attorney at each and every
19 stage of the proceedings in this case. If you cannot
20 afford an attorney, the Court will appoint one to
21 represent you at no charge.

22 Are you represented here today by
23 Mr. Long?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And have you had enough time to

1 discuss with him the charges made against you and your
2 response to those charges?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Are you completely satisfied
5 with your attorney's representation and any advice he has
6 given you?

7 THE DEFENDANT: Very much so, yes, sir.

8 THE COURT: Now, by proceeding with a guilty
9 plea, you will be giving up several constitutional
10 rights. I next want to explain and review with you what
11 those rights are and establish that you understand —
12 that you understand what you are giving up by pleading
13 guilty.

14 Sir, you have a right to be tried — excuse
15 me — you have a right to stand by your plea of not
16 guilty and require the government to proceed to trial.
17 You have a right to a trial by jury including the
18 assistance of counsel at trial.

19 At such a trial, you will be presumed
20 innocent, and the government would be required to
21 prove you guilty by competent evidence beyond a
22 reasonable doubt. You do not have to prove that you are
23 innocent.

24 Do you understand these rights?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And do you understand by
2 pleading guilty you will be giving up these rights?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Sir, you have a right to
5 compulsory process. That is, at trial, you have the
6 right to the issuance of subpoenas to require the
7 attendance of witnesses to testify in your defense or to
8 produce exhibits or documents for trial.

9 Do you understand your right to compulsory
10 process?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And do you understand by
13 pleading guilty you will be giving up this right?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You have the right to hear, see,
16 and cross-examine all witnesses the United States may
17 present against you.

18 Do you understand your right to confront
19 witnesses who would testify against you?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And do you understand that by
22 pleading guilty you will be giving up this right?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: You have the right to remain
25 silent at trial. While you would have the right to

1 testify if you chose to do so, you would also have the
2 right not to testify, and no inference or suggestion of
3 guilt can be drawn from the fact that you did not
4 testify.

5 Do you understand your right to remain
6 silent?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And do you understand that by
9 pleading guilty you will be giving up this right?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Now, as I stated earlier, if you
12 proceed with your plea of guilty, you will be giving up
13 your right not to incriminate yourself. You will have to
14 acknowledge that you engaged in criminal conduct to make
15 a valid guilty plea.

16 Do you understand your right not to
17 incriminate yourself?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And do you understand that by
20 pleading guilty you will be giving up this right?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: If you plead guilty and
23 Judge Boyko accepts your plea, do you understand that you
24 would be giving up the right to a trial and the other
25 rights I've just discussed? There will be no trial, and

1 that the District Judge will enter a judgment of guilty
2 and sentence you on the basis of your guilty plea after
3 considering a presentence report.

4 Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand that the
7 offense to which you are pleading guilty is a felony
8 offense, and a judgment of guilty may deprive you of
9 other civil rights such as the right to vote, the right
10 to hold public office, the right to serve on a jury, and
11 the right to possess any kind of firearm?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Sir, do you have a copy of the
14 indictment?

15 THE DEFENDANT: Yes, sir, I do.

16 THE COURT: And have you discussed with your
17 attorney the charges in the indictment to which you are
18 entering a plea of guilty?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you understand the charges
21 made against you in the indictment?

22 THE DEFENDANT: Yes, sir, I do.

23 THE COURT: Mr. Howell, can you please state
24 the maximum possible penalties for the count which
25 Mr. Marlyne intends to plead?

1 MR. HOWELL: Yes, your Honor.

2 The Defendant will be pleading guilty to
3 Count 1. That carries with it a maximum term of
4 imprisonment of up to 20 years, a maximum statutory fine
5 of up to \$4.6 million dollars, a maximum period of
6 supervised release of up to three years. It requires a
7 special assessment of \$100.

8 THE COURT: What is the title and code
9 section of the count?

10 MR. HOWELL: Title 18 United States Code,
11 Section 1956(h), conspiracy to launder money, your
12 Honor.

13 THE COURT: Is there any restitution?

14 MR. HOWELL: No, your Honor.

15 THE COURT: Is there any forfeiture?

16 MR. HOWELL: Your Honor, the forfeiture just
17 refers to the fact that the Defendant does not have any
18 interest, ownership, and will not contest the forfeiture
19 outlined in the indictment.

20 THE COURT: Very well. Mr. Marlyne, do
21 you understand the maximum possible penalties you are
22 facing?

23 THE DEFENDANT: Yes, sir, I do.

24 THE COURT: Do you understand the forfeiture
25 issue as has been explained by the Assistant United

1 States Attorney?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And do you understand this
4 Court's obligation to impose a special assessment in this
5 case?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And again, so the record is
8 clear, there is no implication as relates to immigration
9 status on behalf of your client.

10 Is that correct, Mr. Long?

11 MR. LONG: That is correct.

12 THE COURT: Now, Mr. Marlyne, is your
13 decision to plead guilty the result of an exercise of
14 your own free will?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Has anyone threatened you or
17 threatened anyone else in order to get to you plead
18 guilty?

19 THE DEFENDANT: No, sir.

20 THE COURT: Now, my understanding is, there
21 has been a plea agreement entered into between you or
22 your lawyer on your behalf and counsel for the
23 government.

24 Is that correct?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you have a copy of the plea
2 agreement?

3 THE DEFENDANT: Yes, sir, I do.

4 THE COURT: I am going to show you the
5 original plea agreement I have here at the bench and ask
6 you to look at the last page.

7 Is that your signature on the last page of
8 the plea agreement?

9 THE DEFENDANT: Yes, sir, it is.

10 THE COURT: Did you put your initials — are
11 those your initials on the lower right-hand corner of
12 each page?

13 THE DEFENDANT: Yes, sir, they are.

14 THE COURT: Did you have an opportunity to
15 read and discuss this plea agreement with your attorney
16 before you signed it.

17 THE DEFENDANT: Yes, sir?

18 THE COURT: And you understand the terms of
19 the plea agreement?

20 THE DEFENDANT: Yes, sir, I do.

21 THE COURT: Mr. Marlyne, thank you.

22 Mr. Howell, can you please state the
23 substance of the plea agreement for the record?

24 MR. HOWELL: Yes, your Honor.

25 Defendant agrees to plead guilty to Count 1.

1 The parties agree to the guideline computation, which is
2 listed at paragraph 16 of the plea agreement, and that
3 the parties agree that no other specific offense
4 characteristics, guideline adjustments, or guideline
5 departures apply.

6 The United States will agree to recommend a
7 two-level reduction for acceptance of responsibility.
8 The parties do not have an agreement in regards to the
9 Criminal History Category, and the parties understand
10 that that will be determined by the Court after the
11 completion of a presentence investigation by the U.S.
12 Probation Office. And the parties also have stipulated
13 to a factual basis for the plea that is outlined in
14 paragraph 21.

15 THE COURT: And in the agreement, is there
16 an agreed adjusted offense level absent a Criminal
17 History?

18 MR. HOWELL: There is, your Honor.

19 Specifically, I can just outline the
20 guideline computation. We have agreed there is a base
21 offense level of 10, and that's based upon the
22 calculation of the drugs, specifically marijuana, that
23 were involved in this money-laundering conspiracy,
24 specifically six pounds.

25 The Defendant will be convicted under Title

1 18 United States Code, Section 1956. That adds two
2 levels. We are agreeing to a mitigating role adjustment
3 of minus three levels as well as the acceptance of
4 responsibility minus two for an adjusted offense level of
5 7.

6 THE COURT: Mr. Long, are you in accord with
7 the substance of the plea agreement as stated by
8 Mr. Howell?

9 MR. LONG: Yes, we are, your Honor.

10 THE COURT: Mr. Marlyne, are you likewise in
11 accord with the substance of the plea agreement as stated
12 by the Assistant United States Attorney?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Mr. Marlyne, has anyone,
15 including your lawyer, the lawyer for the government,
16 this Court, or any other court made any promise other
17 than those contained in this plea agreement to induce you
18 to plead guilty today?

19 THE DEFENDANT: No, sir.

20 THE COURT: Mr. Marlyne do you understand
21 that if I recommend acceptance of this agreement and
22 Judge Boyko accepts my recommendation, that you cannot
23 withdraw your guilty plea?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: I direct your attention to page

1 5, paragraph 19 of the plea agreement. Sir, do you
2 understand that you cannot appeal your sentence
3 except under the limit circumstances permitted by that
4 section?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand that you
7 cannot contest your conviction or sentence by any
8 post-conviction proceedings?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Have you and your attorney
11 discussed how the Sentencing Commission Guidelines might
12 apply to this case?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: I direct your attention to
15 paragraphs 11 through 18 of the plea agreement beginning
16 on page 3.

17 Sir, do you understand that these paragraphs
18 discuss the application of the Sentencing Guidelines to
19 your case?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Has your attorney discussed with
22 you the range of sentence that you may receive?

23 THE DEFENDANT: Yes, sir, he has.

24 THE COURT: Mr. Long, please, without
25 waiving any attorney-client privilege, state for the

1 record the substance of discussions that you had
2 with Mr. Marlyne as it relates to the Sentencing
3 Guidelines?

4 MR. LONG: Yes. Thank you, your Honor.

5 Mr. Marlyne and I have discussed not only
6 the maximum possible penalties but also the guideline
7 ranges, the enhancements, the calculation, and
8 ultimately, the adjusted offense level of 7, as well as
9 the corresponding range and options within the category
10 A, B, C, and D and also the potential computation of
11 Criminal History and discussed the guideline ranges for
12 those various options.

13 THE COURT: Have you discussed with your
14 client the reductions that he has or has made an
15 agreement with the United States as it relates to
16 mitigating role adjustment and acceptance of
17 responsibility?

18 MR. LONG: Yes, your Honor, we have.

19 THE COURT: And have you likewise discussed
20 with your client the enhancement as relates to a
21 conviction of 18 U.S.C. 1956?

22 MR. LONG: I have, your Honor.

23 THE COURT: Mr. Marlyne, are you in
24 agreement with what your counsel just stated?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Mr. Howell, on behalf of the
2 United States, does the government agree with the
3 substance of defense counsel's position of the applicable
4 sentencing range?

5 MR. HOWELL: Yes, your Honor.

6 THE COURT: Mr. Marlyne, do you understand
7 sentencing rests within the discretion of the Court; that
8 federal sentencing law requires the Court to impose a
9 sentence, which is sufficient but not greater than
10 necessary to comply with the purposes of sentencing as
11 set out in the United States Code, and that in doing so,
12 the Court must consider the advisory Sentencing
13 Guidelines we have been discussing here in open Court?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you understand, however, that
16 the Court will determine the advisory United States
17 Sentencing Guidelines, imprisonment range after a
18 presentence report has been prepared by the U.S.
19 Probation Office.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Sir, do you further understand
22 that any recommendations contained in the plea agreement
23 are not binding on the Court, and the Court may impose
24 any sentence provided by law including up to the maximum,
25 which has previously been discussed here in open Court?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Sir, do you likewise understand
3 the Court alone will decide the applicable sentencing
4 range under the advisory Sentencing Guidelines, whether
5 there is any basis to depart from that range or impose a
6 sentence outside of the Guidelines and what sentence to
7 impose?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Sir, in other words, the
10 sentence that the Court imposes may be different from any
11 estimate your attorney has given you.

12 Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Sir, you understand that if the
15 Court imposes a sentence different than what is
16 recommended by the government or your attorney, that you
17 have no right to withdraw your guilty plea?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand that, as
20 previously discussed, it is only under some limited
21 circumstances that you or the government may have the
22 right to appeal any sentence imposed?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Sir, do you also understand that
25 parole has been abolished, and that if you are sentenced

1 to prison, you will not be released early on parole?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Having discussed your rights
4 with you, Mr. Marlyne, do you still wish to proceed with
5 a guilty plea?

6 THE DEFENDANT: Yes, sir, I do.

7 THE COURT: I will now review with you the
8 portion of the plea agreement, which you stipulate to the
9 facts as they relate to your conduct, as charged in the
10 indictment. You will have an opportunity to correct any
11 facts you believe to be incorrect. I direct your
12 attention to page 6 of the plea agreement, specifically
13 paragraph 21.

14 Mr. Howell, can you please read the factual
15 basis?

16 MR. HOWELL: Yes, your Honor. Thank you.

17 The Defendant agrees the following summary
18 fairly and accurately sets forth the Defendant's offense
19 conduct and a factual basis for the guilty plea. He
20 further agrees that the facts set forth in the summary
21 are true and could be established beyond a reasonable
22 doubt if the case were to proceed to trial.

23 Within the timeframe noted in the
24 indictment, the Defendant Trevor Marlyne knowingly and
25 intentionally combined, conspired, and agreed together

1 and with others, including but not limited to the
2 co-defendants in this case, to knowingly and
3 intentionally conduct and attempt to conduct a series of
4 financial transactions affecting interstate commerce,
5 which transactions involved the proceeds from a specified
6 unlawful activity, in this case conspiracy to distribute
7 and to possess with the intent to distribute marijuana, a
8 violation of Title 21 United States Code, Section 846, as
9 well as a violation of Title 21 United States Code,
10 Section 841 and Title 18 United States Code, Section 2,
11 knowing that the transactions were designed, in whole or
12 in part, to conceal and disguise the nature, location,
13 source, ownership, and control of the proceeds of the
14 specified unlawful activity, all in violation of Title 18
15 United States Code, Section 1956(a) (1) (B) (i) and with the
16 intent to promote in carrying on the specified unlawful
17 activity in violation of Title 18 United States Code,
18 Section 1956(a) (1) (A) (i) .

19 THE COURT: Mr. Marlyne, do you agree with
20 the facts as stated so far?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Very well. Proceed, Mr. Howell.
23 Thank you.

24 MR. HOWELL: On at least two occasions, the
25 Defendant Trevor Marlyne accepted marijuana in the

1 Northern District of Ohio from one of his co-conspirators
2 and possessed that marijuana with the intent to
3 distribute it. On at least two occasions, the Defendant
4 then provided United States Currency to that same
5 co-conspirator in the Northern District of Ohio for
6 shipment to Aaron Eisenberg in California.

7 The parties agree that the Defendant
8 possessed with the intent to distribute at least
9 six pounds, which equates to 2.72 kilograms of
10 marijuana, in the Northern District of Ohio during this
11 conspiracy.

12 THE COURT: Mr. Marlyne, are you in total
13 agreement with the factual basis as contained in the plea
14 agreement?

15 THE DEFENDANT: Yes, sir, I am.

16 THE COURT: Do you wish to make any changes
17 in the factual basis upon the plea agreement as it has
18 been read to you?

19 THE DEFENDANT: No, sir.

20 THE COURT: Mr. Long, do you agree that
21 the factual basis covers each of the essential elements
22 of the offense to which Mr. Marlyne intends to plead
23 guilty?

24 MR. LONG: I do, your Honor.

25 THE COURT: Mr. Howell, on behalf of the

1 United States, is there anything that the Court has
2 failed to cover prior to receiving the plea?

3 MR. HOWELL: I don't believe so, your Honor.
4 Thank you.

5 THE COURT: Is the United States satisfied
6 that the Court has fulfilled the retirements pursuant to
7 Criminal Rule 11?

8 MR. HOWELL: Yes, your Honor.

9 THE COURT: Mr. Long, is there anything
10 I failed to cover prior to receiving your client's
11 plea?

12 MR. LONG: No, your Honor.

13 THE COURT: Are you satisfied that the Court
14 has fulfilled the requirements necessary pursuant to
15 Criminal Rule 11?

16 MR. LONG: Yes, your Honor.

17 THE COURT: Thank you.

18 Mr. Marlyne, I am now prepared to receive
19 your plea. Would you like to confer with your attorney
20 before I ask you what your plea is?

21 THE DEFENDANT: No, sir.

22 THE COURT: Do you have any questions of me
23 before I ask you what your plea is?

24 THE DEFENDANT: No, sir.

25 THE COURT: Now, having advised you of your

1 rights, having established your competence and having
2 found a factual basis for your plea, I ask you now, how
3 do you plead to Count 1 of the indictment? Guilty or not
4 guilty.

5 THE DEFENDANT: Guilty.

6 THE COURT: The record will reflect the
7 Defendant has tendered a plea of guilty.

8 For the record, it is my finding that the
9 Defendant Trevor C. Marlyne is fully competent to and
10 capable of entering an informed plea; that he is aware of
11 the nature of the charges brought against him and the
12 consequences of his plea, and that his plea of guilty to
13 Count 1 of the indictment in this case is a knowing and
14 voluntary plea supported by an independent basis in fact,
15 containing each of the essential elements of the offense
16 as charged.

17 I, therefore, recommend that Judge Boyko
18 approve the plea agreement, accept Mr. Marlyne's plea,
19 and adjudge him guilty of the offense charged in Count 1
20 of the indictment.

21 The Court will order a presentence
22 investigation report prior to sentencing. I would advise
23 you, Mr. Marlyne, that it is in your best interests to
24 cooperate with the probation officer in furnishing
25 information for that report since the report will be an

1 important decision as to what your sentence will be.

2 You or your counsel will have a right and
3 opportunity to examine that report and comment on it at
4 the time of sentencing. The disposition for sentence in
5 this case has been set for August 9, 2019, at 11:00
6 o'clock a.m. before Judge Boyko.

7 Is there anything further on behalf of the
8 United States?

9 MR. HOWELL: No, your Honor. Thank you.

10 THE COURT: Is there anything further on
11 behalf of the Defendant?

12 MR. LONG: No, your Honor.

13 THE COURT: The Defendant's bond is
14 continued. This Court is in recess.

15 (Hearing concluded at 10:27 a.m.)

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1 State of Ohio,)
2) SS:
County of Cuyahoga,)

3
4 C E R T I F I C A T E

5
6 I, George J. Staiduhar, within and for the
7 State of Ohio, do hereby certify that the above
8 transcript is a true and accurate record of the hearing
9 held before Magistrate Judge Jonathan D. Greenberg. This
10 record was prepared from the K Drive of the
11 Court's computer.

12 IN WITNESS WHEREOF, I have hereunto set my
13 hand and seal of office in Cleveland, Ohio, on this
14 7th day of May A.D., 2019.

15
16
17 s/George J. Staiduhar
George J. Staiduhar
18 Notary Public - State of Ohio
19 My commission expires 8-1-2022
Commission No. 2017-RE-664619
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